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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

00280770AA

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Application Number

10/797,023

Filed

3/11/04

First Named Inventor

H. Lei

Art Unit

3623

Examiner

Tarae

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 32,635

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____



Signature

Michael E. Whitham

Typed or printed name

Telephone number

703/787-9400

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐

*Total of _____ forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Hui Lei

Confirmation No. 4635

Serial No. 10/797,023

Group Art Unit: No. 3623

Filed March 11, 2004

Examiner Tarae

For SYSTEM AND METHOD FOR PERVASIVE ENABLEMENT
OF BUSINESS PROCESSES

Mail Stop AF

Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

ATTACHMENT TO PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

This Pre-Appeal Brief Request for Review is being concurrently filed with a Notice of Appeal. The Commissioner is authorized to charge any fees due for the Notice of Appeal or to gain entry and consideration of this Pre-Appeal Brief Request for Review, the Commissioner is authorized to charge Attorney's Deposit Account 50-0510 (IBM Yorktown).

The Invention

With reference to Figure 1, the invention is drawn to a system and method for enabling business process which employs a workflow engine 1030, a context service 1050 which allows context aware applications to obtain user context information, an interaction controller 1040 that acts as a proxy for one or more human participants in a workflow, and one or more modality adapters 1060, 1070, and 1080 that receive a task from the interaction controller and deliver the task to said partner instance in a modality specific format. With reference to Figure 2 of the application, two human participants, Mike and George, perform a business process of travel request approval. As explained on page 10 of the application, in the example shown in Figure 2, the system sends Mike an instant message (IM) to fill out a travel request (this is because Mike is communicating by IM). After Mike completes the travel request and sends it back to the system, the system sends

George an approval form by e-mail (the system determines using its context service that George happens to be available for communicating by e-mail (asynchronous communication), not IM (synchronous communication)). Once George fills out the approval, the system then determines Mike is no longer available by IM, but determines he can be communicated with by text messaging to a PDA.

Two things are very important which are illustrated by Figure 2. First, a business process is performed that involves two human beings, and the two human beings never need to be in contact with one another. Rather, Mike and George use a proxy (i.e., the interaction controller). Second, the business process is performed using a variety of different communications techniques depending on the context (e.g., after obtaining context information about Mike, communication with Mike changes from IM to text messaging). As recited in the independent claims, the interaction controller upon receiving a staff activity specification (e.g., a completed travel request or an approved travel request), obtains context information of a partner instance (e.g., Mike or George) from the context service to determine an appropriate collaboration modality for the partner instance, and forwards the responses from the human partners back to the workflow engine, thereby handling individual interactions with human participants.

Errors and Omissions

Claims 1-12 have erroneously been rejected as being anticipated by U.S. Patent 6,807,423 to Armstrong. This rejection is in error because Armstrong wholly lacks features specified in the claims including without limitation:

(1) an interaction controller that acts as a proxy for one or more human participants in a workflow.

(2) a context service supporting one or a plurality of synchronous query and asynchronous callback context functions, which allows context-aware applications to obtain user context information, where the interaction controller, upon receiving a staff activity specification, determines an appropriate collaboration modality based on the obtained context information.

The claimed invention allows for synchronous and asynchronous ways of obtaining context information (i.e., synchronous queries and asynchronous call back functions). This is quite different from the synchronous and asynchronous

communication supported by Armstrong. Obtaining context information precedes communication to determine the appropriate communication modality.

The Armstrong patent is directed to an instant messaging system (column 3, lines 38-39). Armstrong uses a "PCP" 10, which is an automated system used in a multiple access network, to provide a single point of presence for a watched party 13 at a terminal device 80 connected to one or more of the access networks 50, 51, 52, and 76 (column 4, lines 49 et seq.) A point of presence is a source of information about whether a watched party 13 is available for contact on a multiple access network, which networks the watched party 13 is presently available on, where the watched party 13 is located on each access network, and/or which method should be used to contact the watched party 13 (column 4, lines 58, et seq.). When the PCP 10 receives a presence request (i.e., a request by the watching party to determine the presence of the watched party) it determines whether the requested watched party 13 is available for contact and provides this information to the watching party 12 who made the request (column 6, lines 48 et seq.). The watched party is able to set up rules about who can contact him, how he is to be contacted, and when he is to be contacted (column 4, lines 6 et seq., column 5 and column 6). The watched party registers with the PCP and is given a presence management identifier (column 6, lines 7 et seq.).

The key feature of Armstrong is that it detects the presence of a watched party or "aggregate"40 of watched parties (see column 8, at line 48) on the network, and allows communication between human subjects (the watching party and one or more watched parties) during certain time periods or via certain communication networks. As explained in the amendment of November 28, 2006, at page 8, synchronicity of communication is integral to the instant messaging system taught by Armstrong et al., where the availability of a party is "watched" at all times. (Armstrong et al., column 3, lines 47-65; column 4, lines 6-10; column 5, lines 1-9; column 6, lines 7-13 and 48-58; column 9, lines 64-67; column 10, lines 29-31; column 11, lines 53-62; and column 12, lines 53-62). With reference to columns 8 and 9 of Armstrong, exemplary embodiments are described where each embodiment requires presence of a human subject. For example, in one exemplary embodiment of Armstrong where two signatures are required for a purchase requisition, the PCP considers which are the two best authorized signatories based on their presence in the office and their current activity (i.e., if two managers are in

the office and two others are out, the two managers that are in get the communication). As another example, with reference to column 9 of Armstrong, an aggregate 40 of people are needed for a conference call. The conference call service 20 monitors the status of the aggregate 40 until a selected minimum of the aggregate 40 members are available for a conference call. Once the minimum is met, a conference call is arranged. (See column 9, at lines 34 et seq.).

Notably absent from Armstrong is an interaction controller that acts as a proxy for one or more human participants in a workflow. That is, in Armstrong, the watching party and watched parties interact and communicate directly with one another, they are not using a proxy of any sort.

Also notably absent from Armstrong is a context service which allows context-aware applications to obtain user context information. Quite the contrary, in Armstrong, the “communication” between parties is permitted by rules set, for example, by the watched party (e.g., how and when he is to be contacted). However, in the claimed invention, the context service obtains user context information, and based on obtained context information of a partner instance the interaction controller which acts as a proxy for one or more human participants in a work flow determines an appropriate collaboration modality. That is, in the claimed invention, the two parties do not contact one another. Rather, they are each performing different parts of business process, and depending on the context, they are contacted by one of several different modalities. They can then respond using the modality they are contacted on, and, if needed to be contacted at a later time, will be contacted using the most appropriate modality as determined by the context service (e.g., with respect to Figure 2 of the application Mike is first contacted by IM and then by text messaging).

Armstrong does not use a context service as the PCP is “configured to collect said presence status from each of said plurality of event detectors and to correlate said presence status from each of said event detectors (col. 18, lines 43-45). In addition, Armstrong obtains presence status synchronously. It does not provide asynchronous call back.

Conclusion

While Armstrong is related to communication systems, it is drawn to an instant messaging system and is unlike the claimed invention. In Armstrong, the presence or absence of a watched party is carefully monitored (see cover page picture of Armstrong), and based on a series of rules governing how, when, and where a watched party (or parties) might be contacted, communication with the watched party can be achieved.

In sharp contrast, the claimed invention pertains to a system which enables business processes to be performed where such processes involve human participants to complete the work flow. The participants may be communicated with using a variety of different modalities as best determined by a context service. In the claimed invention an interaction controller acts as a proxy for one or more human participants in the work flow. The interaction controller, based on the context information, determines an appropriate modality for collaboration, and forwards responses from human partners back to the work flow engine. The watched parties information and rules base of Armstrong do not perform the same function as the interaction controller as specified in claims 1 and 7 of the application. In addition, Armstrong does not use context server to obtain user context information that is used by an interaction controller, as is specified in claims 1 and 7. Rather, in Armstrong the communications with watched parties proceeds according to a determined context, and context information is not used by an interaction controller to forward responses from human partners back to a workflow engine (as is required in claims 1 and 7).

In view of the above, it is requested that the position of the Examiner be reviewed, that the rejections be withdrawn, and that the application be passed to issue.

Respectfully submitted,



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